UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

THIRD COMMITTEE
34th meeting
held on
Thursday, 17 November 1994
at 10 a.m.
New York

SUMMARY RECORD OF THE 34th MEETING

Chairman: Mr. CISSE (Senegal)

CONTENTS

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued)

(c) CAPITAL PUNISHMENT (continued)

AGENDA ITEM 99: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.3/49/SR.34
8 December 1994
ENGLISH
ORIGINAL: FRENCH

94-82359 (E)

The meeting was called to order at 10.35 a.m.

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued) (A/49/57 and Corr.1, A/49/58, A/49/75-S/1994/180, A/49/182, A/49/206, A/49/220, A/49/221, A/49/265, A/49/271, A/49/282, A/49/283, A/49/286, A/49/287 and Corr.1-S/1994/894 and Corr.1, A/49/292, A/49/298, A/49/304, A/49/386, A/49/422, A/49/532, A/49/591)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/49/40, A/49/41, A/49/44, A/49/228-S/1994/827, A/49/261-E/1994/110, A/49/264-E/1994/113, A/49/364, A/49/405, A/49/408, A/49/409, A/49/426, A/49/484 and Add.1, A/49/537, A/49/642; A/C.3/49/5, A/C.3/49/6; E/1994/23)

(e) CAPITAL PUNISHMENT (continued) (A/49/234 and Add.1 and 2)

1. Ms. TOMKINSON (Australia) said that in acceding to the major international human rights instruments, Member States had committed themselves to the promotion and protection of those rights. That corpus of instruments, and the committees that monitored their implementation (treaty bodies) formed the cornerstone of international endeavours in that field. The system that had been put in place to ensure respect for human rights was one of the great successes of the United Nations, and must be made to work effectively.

2. However, there were problems in that system; they included overdue reports, overlapping competencies of different treaty bodies, the inadequate level of secretariat servicing to treaty bodies, and lack of media and public attention given to their deliberations. The report of the independent expert, Philip Alston, on approaches to enhancing the effective operation of bodies established under international instruments (A/CONF.157/PC/62/Add.11/Rev.1) gave a detailed analysis of the defects of the present system and suggested the basis of a realistic strategy for its improvement.

3. Priority should be given to that task in order to establish a constructive dialogue between States parties and the committees responsible for monitoring the implementation of human rights instruments. Moreover, the reporting burdens on States must be reasonable. She noted that the expert had proposed the development of a strategy to achieve universal ratification of the six core human rights instruments by the year 2000; reinforcement of the role of the treaty bodies in order to encourage national institutions to defend and increase respect for human rights; and the identification of incentives and disincentives to address the chronic situation of overdue reports. With regard to the last point, the expert had suggested that States be encouraged to adopt a system of cross-referencing in their reports and to designate specific bodies responsible for coordinating the presentation of reports to all the treaty bodies. He had also proposed, in the longer term, that the number of those bodies and the number of reports required should be reduced, if those States should be encouraged to submit a single report to all the relevant bodies and that periodic reports should be replaced by reports generated by a specific requirement.

4. Her delegation was convinced that those proposals would increase the ability of the system to monitor the implementation of international instruments. They would also alleviate the burden which the present system placed on States parties and the Centre for Human Rights. The proposals echoed the Vienna Declaration and Programme of Action, which called for the development of a system which would permit the international community and the citizens of States parties to monitor more effectively the implementation by Governments of their obligations under the major human rights instruments. She agreed with the independent expert that the urgency of the existing challenges must be recognized, that the vital importance of the treaty regime as a whole must be reaffirmed and that the quest for creative and effective solutions must be pursued with energy and commitment.

5. Mr. STEFANOV (Bulgaria) said that, for three decades, the system of international human rights instruments had provided a firm basis for the promotion and protection of human rights and fundamental freedoms. For that reason, universal adherence to international human rights treaties and other relevant instruments should be actively encouraged. In that respect, his delegation endorsed the recommendations contained in the Vienna Declaration and Programme of Action and in a number of resolutions of the General Assembly and of the Commission on Human Rights. He welcomed the substantial increase that had taken place over the last three years in the number of accessions to those instruments, in particular to the seven basic instruments. At the same time, States parties should be encouraged to review and withdraw the reservations they had made, since the latter were contradictory to the spirit of those texts. His delegation supported the recommendation adopted at Vienna, that the Secretary-General should hold consultations with those States which had not yet acceded to the international instruments, in order to ascertain what was preventing them from doing so.

6. Priority should be given to the promotion of existing instruments; new standards should be set only when there was broad consensus amongst Member States. The guidelines for new standard-setting contained in General Assembly resolution 41/120, were relevant. Recent positive developments in that respect were the working out of the Optional Protocol to the Convention against Torture and the forthcoming two optional protocols to the Convention on the Rights of the Child.

7. Being, as it was, firmly convinced that universal and unconditional recognition of international standards was essential to respect for human rights and fundamental freedoms, Bulgaria was party to the international covenants on human rights, to the Optional Protocol to the International Covenant on Civil and Political Rights, as well as to the other major human rights instruments. Article 5, paragraph 4 of the Bulgarian Constitution adopted in 1991 stipulated that international standards took precedence over the provisions of the national legislation. Any reservations which Bulgaria had had in the past had been withdrawn, and it recognized the compulsory jurisdiction of the International Court of Justice. Respect for the international obligations undertaken by the country were reflected in the ongoing process of adjustment of the national legislation.

8. His delegation recognized the importance of timely submission of reports for the efficient functioning of the monitoring machinery. Bulgaria was therefore making every effort to speed up submission of its own periodic reports some of which were overdue. The Bulgarian Government had recently submitted to the Secretariat its consolidated second and third periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

9. His delegation attached great importance to the effective functioning of the international human rights treaty bodies, which played a vital role in formulating and implementing human rights standards. It welcomed the improving coordination between those bodies and more particularly the institution of biannual meetings of their chairpersons. At the fifth such meeting, which had been held in Geneva in 1994, it had been determined that a number of innovative formulas, such as early warning and urgent procedures, must be adopted. Bulgaria was grateful to the Secretariat for the support it provided to the treaty bodies in that respect.

10. Referring to those bodies' funding, he commended the amendments made by the States parties and approved by the General Assembly concerning the funding of the Committee on the Elimination of Racial Discrimination and the Committee against Torture. He hoped that everything necessary would be done to ensure that those committees could meet as scheduled. He also emphasized the need to provide the Centre for Human Rights with the necessary human resources and technical facilities to service the treaty bodies.

11. In conclusion, he reiterated the importance Bulgaria attached to enhancing the human rights monitoring machinery and Bulgaria's intention actively to participate in the international community's efforts in that field.

12. Mrs. CALVERT (New Zealand) said that as a whole the human rights standards and machinery established by the United Nations provided a solid framework; it had recently been completed by the creation of the post of High Commissioner for Human Rights, which New Zealand supported. The establishment of that post had been highly beneficial, as was demonstrated by the action already carried out by the High Commissioner in response to the human rights situation in Rwanda and his efforts in other spheres. Her delegation continued to support the excellent work performed by the special rapporteurs, who played an essential role in investigating human rights abuses, making recommendations for action and promoting respect for human rights.

13. With regard to the rights of indigenous populations, New Zealand supported the preparation of a draft declaration which would afford appropriate protection to indigenous people and recognize their right to greater involvement in determining their economic and social destiny. In order for the views of the Maori and the wider New Zealand community on the draft Declaration to be canvassed, the Government of New Zealand had recently issued a discussion document, inviting the public to comment on the issue prior to the fifty-first session of the Commission on Human Rights. Although the draft Declaration, as it stood, posed some difficulties to her delegation, it was none the less

convinced that the adoption of a declaration recognizing the rights of indigenous populations would add another important element to the network of human rights instruments.

14. Referring to the Fourth World Conference on Women, which was to be held in Beijing in 1995, she underscored the importance of the preparatory work being done by the Commission on the Status of Women. Her delegation looked forward to the adoption, at that Conference, of a platform for action designed to advance the role of women.

15. New Zealand believed that the major work on standard-setting had already been accomplished. Priority should now be given to securing universal acceptance of existing human rights instruments and strengthening mechanisms responsible for implementing them. To do so, a continued dialogue was required with States that had not yet ratified the major human rights instruments in order to overcome the obstacles to their ratification. For many countries one such obstacle was the cost involved in fulfilling reporting obligations. Accordingly, New Zealand approved the efforts currently being made to reduce the cost and to improve the efficiency of the reporting system, which it regarded as fundamental. The system could undoubtedly be streamlined and rationalized by, in particular, adopting uniform terminology and practices. The recent report of the fifth meeting of persons chairing the human rights treaty bodies (A/49/537) contained valuable recommendations in that regard. New Zealand approved, in particular, the proposal that States should include disaggregated statistical data on the situation of women when reporting on each instrument. Lastly, the Centre for Human Rights was responsible for assisting States to fulfil their obligations in that area, by providing them with technical assistance and advisory services. To do so it must receive adequate resources. Currently, only 1 per cent of the total budget of the United Nations was allocated to human rights issues. That figure should be increased.

16. New Zealand was a party to all the major human rights instruments and actively participated in a number of working groups and commissions on that issue. It had supported and provided funding for the recent establishment, in Rwanda, of human rights monitors. It had also played a leading role in efforts to establish an international tribunal to prosecute persons alleged to have been involved in genocide and other serious breaches of international humanitarian law in Rwanda, as it had earlier supported the establishment of a tribunal to prosecute persons responsible for major human rights violations in the former Yugoslavia. A New Zealand police officer had been appointed to assist the latter tribunal in its investigations.

17. New Zealand was not only committed to fulfilling its reporting obligations, but also to making its reports publicly available in order to promote awareness of how the Government performed in meeting the obligations set forth in the human rights instruments. During the previous year, New Zealand had submitted its second periodic report to the Committee on the Elimination of Discrimination against Women and its initial report to the Committee on Economic, Social and Cultural Rights. It was currently preparing to submit its third periodic report to the Committee on Civil and Political Rights.

18. Her delegation believed that the international community should in the future give priority to the following objectives in the field of human rights: consolidation of the role of the High Commissioner for Human Rights; satisfactory completion of the consideration of the draft declaration on the rights of indigenous peoples; consideration of the potential repercussions of the forthcoming Fourth World Conference on Women on the operation of existing human rights instruments; increased resources for human rights treaty bodies; continued efforts to encourage accession to those instruments and to improve the system for submitting and considering reports by States parties.

19. Mr. CHIRINCIUC (Republic of Moldova) said that one of the serious problems which the international community had had to deal with since the end of the cold war was the issue of violations of human rights and fundamental freedoms. Unfortunately, human rights were an ideal rather than a reality, and promotion and protection of fundamental rights and freedoms was first and foremost the responsibility of each nation. The international community could advise States and urge them to fulfil their commitments, but it could not build for them the democratic society needed to safeguard full enjoyment of human rights and fundamental freedoms.

20. He underscored the importance of his country's integration into international political structures and of the development of its relations with democratic countries.

21. Since its proclamation of independence, the Republic of Moldova had made considerable efforts to mitigate the social consequences of its transition to a market economy, to establish the rule of law and to guarantee human rights and fundamental freedoms. Its Parliament had taken steps to ensure the State's accession to a number of international human rights instruments and had embarked upon a range of activities to establish national standards to ensure the promotion and effective observance of human rights as a whole and those of national minorities in particular.

22. In December 1989 the Republic of Moldova had adopted a languages act which accorded all minorities the right to use their own language. The citizenship act, adopted in June 1991, was one of the most liberal in the area of the former Soviet Union, for it granted Moldovan citizenship to all persons residing in Moldova at the time of the declaration of independence. A start had been made on standard-setting designed to guarantee the members of national minorities the right of free expression and free development of their ethnic, cultural, linguistic and religious identity. National minorities had the right to establish educational, cultural and religious organizations or associations. No law limited their access to any job, to the practice of their religion or to teaching in their mother tongue. The rule was respect for all cultures, languages and religions as long as they themselves respected human rights.

23. However, it was regrettable that the solution of a number of problems in the Republic of Moldova was directly linked to the settlement of the conflict in the eastern regions of the country. In the area controlled by the separatists people were victims of serious violations of human rights and fundamental

freedoms. Persons who did not support the secessionist policy were left jobless, and the Moldovans of the left bank of the Dniester, who made up 40 per cent of the region's population, had no possibility of teaching their children in their mother tongue. One graphic example was the illegal detention of the Ilascu group, about which the Moldovan Government had repeatedly informed the international community.

24. The new Constitution of the Republic of Moldova, adopted in August 1994 by the freely elected Parliament, devoted some 40 of its articles to "fundamental rights, freedoms and duties", including the rights of members of national minorities, and guaranteed full respect for those rights. The Constitution also stipulated the primacy of international law in the event of clashes with domestic legislation.

25. Pluralism, respect for human rights, the spirit of tolerance and the rejection of all forms of racial, religious or ethnic discrimination or other forms of discrimination such as anti-Semitism and xenophobia constituted firm commitments for the Republic of Moldova undertaken in the course of the consolidation of democracy.

26. Mrs. TOMIĆ (Slovenia) said that the question of the exercise of human rights required a global approach. It was particularly important for the largest possible number of countries to accede to the main international instruments, which must be applied in their entirety. Although some progress had been made in that direction, universal accession to the instruments and their comprehensive application remained priority goals. Slovenia welcomed the recent initiative by the Secretary-General to urge all States which had not yet acceded to the main human rights instruments to do so.

27. The Republic of Slovenia had acceded to all the main human rights instruments upon notification of its succession, which took effect on the day of its independence - 25 June 1991. It believed that every human rights instrument must be applied in its entirety; it urged States not to enter reservations and invited the ones which had done so to withdraw them. The system for the protection of human rights must be as comprehensive and coherent as possible. Slovenia also urged States to accede to the instruments providing for individual complaint procedures.

28. Full and effective compliance with international instruments was an essential component of an international order based on the rule of law. In that connection she attached the highest importance to periodic reporting by States parties and to the activities of special rapporteurs and working groups and bodies responsible for monitoring the application of human rights instruments.

29. States which had accepted obligations under such instruments must comply fully therewith. In particular, they must submit their reports on time. States which could not do so should seek the assistance of the Centre for Human Rights, which had established an advisory services programme for that purpose.

30. It was a matter for satisfaction that the monitoring bodies had continued to improve their methods of work in 1993. It was important for the committees which considered the reports of States parties to make proposals and recommendations on legislative and other steps which the States should take in order to apply each instrument more effectively. They should also continue, as far as their mandates allowed, to improve the measures designed to prevent human rights violations, such as early warning and urgent procedures.

31. Cooperation and coordination among various United Nations bodies were essential and must be strengthened. It would be particularly desirable for the High Commissioner for Human Rights to increase his collaboration with other United Nations bodies, in particular those responsible for monitoring the human rights instruments.

32. Although their workload had increased considerably, the monitoring bodies must be enabled to cope with their tasks. It was to be hoped that, in accordance with the recommendations of the Vienna Declaration and Programme of Action, sufficient resources would be made available to the Centre for Human Rights. It was also desirable for States parties to notify the Secretary-General promptly of their acceptance of the amendments concerning the funding of the bodies responsible for monitoring the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

33. The delegation of Slovenia had read with interest the report of the fifth meeting of the persons chairing the human rights treaty bodies (A/49/537). It endorsed their observation about the succession of States. The successor States to States formerly parties to human rights instruments must confirm their accession thereto by notifying the Secretary-General. It also thought that the human rights treaty system should continue to apply to successor States recognized as such but not to States which had ceased to exist.

34. The interdependence of human rights must be taken fully into account in their implementation. In that respect further efforts must be made to promote the enjoyment of economic, social and cultural rights and respect for the rights of members of national, ethnic, linguistic and religious minorities.

35. The United Nations should improve the operation of the human rights system through education, training and information activities. It was particularly important to provide training for all persons - teachers, senior officials and members of the police and the armed forces, etc. - whose activities affected human rights. Slovenia supported the proposal that the General Assembly should proclaim at the current session a decade for human rights education beginning on 1 January 1995.

36. Slovenia had been one of the few countries to support the inclusion of item 100 (e) in the agenda. Capital punishment was a particularly sensitive question. It was necessary to take into account not only its legal and moral aspects, but also the social realities which gave rise to it, the type of criminality in the countries concerned and public opinion.

37. In Slovenia, the death penalty had been last implemented in 1957. Capital punishment had been formally abolished by an amendment to the Constitution in 1989 and it was prohibited by the Constitution adopted in 1991 when Slovenia had attained independence. Slovenia had been one of the first countries to sign and ratify (in March 1994) the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. It had also signed the Sixth Protocol to the European Convention on Human Rights concerning the abolition of the death penalty.

38. Slovenia was convinced that the main arguments against capital punishment were valid, namely, that it was an irrevocable sentence and that, generally, its deterrent effect was virtually insignificant. His delegation believed that it was also incompatible with the protection of the basic human right to life. The Second Optional Protocol offered States an opportunity to engage in deliberations on the question and, at the appropriate time, to accede to the Protocol.

39. Mr. LINDGREN (Brazil) said that the process of acceding to international human rights instruments had started early in Brazil. Some instruments had yet to be ratified - including the new International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which should be accorded priority by all countries - but Brazil was a party to all those instruments which were the core of international human rights legislation. It had also withdrawn its reservations to the Convention on the Elimination of All Forms of Discrimination against Women. Brazil therefore welcomed the decision of the Secretary-General to address a personal letter to all Heads of State, inviting them to accede to, confirm their succession to or ratify all international human rights instruments to which they were not yet parties. It also welcomed the announcement by the High Commissioner for Human Rights that he intended to follow suit. It considered that the universal ratification of all international human rights instruments should be a primary goal of the United Nations and all its Member States.

40. His delegation was none the less aware of the gap between the formal act of ratification, which was an expression of a State's political will, and the full implementation of international instruments, which involved a whole set of specific circumstances and material difficulties which the sincerest of Governments was often unable to overcome. Human rights violations occurred even in the most developed societies. Therefore, Brazil strongly supported the recommendation formulated in paragraph 69 of the Vienna Programme of Action concerning the establishment, within the United Nations, of a comprehensive programme to help States in the task of building and strengthening national structures which had a direct impact on the overall observance of human rights and the maintenance of the rule of law. At the forty-eighth session of the General Assembly and at the most recent session of the Commission on Human Rights, it had been a sponsor of resolutions which supported that recommendation.

41. In that connection, his delegation wished to know the date on which the proposals by the Secretary-General, referred to in paragraph 70 of the Vienna

Programme of Action, in General Assembly resolution 48/132 and in resolution 1994/50 of the Commission on Human Rights, would be circulated and hoped that the Third Committee would devote the necessary attention to them.

42. His delegation endorsed the conclusions and recommendations contained in the report of the fifth meeting of persons chairing the human rights treaty bodies but believed that some of them required clarification. First, while human rights treaties were universal by nature, one could not say that they were universal "in application" as long as they were not ratified by all countries. Moreover, while his delegation understood that the chairpersons of human rights treaty bodies were interested in ways and means of preventing human rights violations, it recommended that those bodies should be careful not to exceed their mandates and not to impinge on the much broader mandate of the High Commissioner for Human Rights, as that might undermine the very foundations of international law. Lastly, his delegation opposed the idea that the human rights treaty bodies should unilaterally consider the human rights situation in States parties whose reports were considerably delayed. Those bodies would not only be clearly exceeding their mandates by following such a practice, but might also fail to take into account the difficulties faced by some "bona fide" Governments in submitting their reports or their efforts to reduce delays.

43. In that connection, he wished to announce that his Government would shortly submit the first report of Brazil to the Human Rights Committee and that the report to the Committee on the Elimination of Racial Discrimination and the report to the Committee on Economic, Social and Cultural Rights, which had been drafted in Portuguese, would be forwarded to the Centre for Human Rights at Geneva in the weeks to come. Those reports had been prepared in close cooperation with the academic community and they took into account the views and concerns of various organizations and non-governmental organizations. They thus reflected the degree to which Brazilian society was transparent and its democratic nature.

44. Mr. KLINKENBERG (Netherlands), speaking on behalf of his delegation and as a member of the Dutch Trade Union Movement, said that the unions could not play their vital role in ensuring economic and social justice when the rights enshrined by the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights were not respected, as was often the case. In many countries, there were no independent trade unions and for good reason: activists in favour of their establishment were harassed and imprisoned and strikes were forbidden. Very recently, the International Confederation of Free Trade Unions had noted, on the occasion of the Asia and Pacific Economic Cooperation Forum, that profound inequalities, exploitation of workers, anti-union repression and absence of democratic freedoms lurked behind the so-called economic miracle in many countries. The social situation in the world, far from improving, was rapidly deteriorating, both in countries which had long been industrialized and unionized and in developing countries with strong economic growth. Owing to technical progress, particularly in the area of electronic communications, which was witnessing the creation of the famous "information super-highways", transnational corporations had multiplied and prospered, thus strengthening their influence over

Governments and their control over their own workers. Long-term structural unemployment was thus finding its way into many countries. Unions must fight on two fronts at once: they must defend social and trade union rights and maintain active solidarity between workers and the unemployed. In that connection, he drew Committee members' attention to two particularly well-documented works: Survey of Violation of Trade Union Rights, which had been published in 1994 by the International Confederation of Free Trade Unions and Collection of Country Reports on Human Rights for 1993, also published in 1994 by the Department of State of the United States of America.

45. In one specific trade union sector, namely, the world of journalism and the media, two huge problems demanded attention. The first was that of the physical survival of journalists, which was under increasing threat: hundreds of journalists had been killed or murdered in recent years in various parts of the world by parties to armed conflicts or by organized gangs who wanted to prevent the investigation of their crimes. Professional organizations of journalists had begun to take measures, but they alone could not resolve the problem.

46. The second problem concerned the right to be freely informed about events in the world, independently of pressure groups and official censorship, a right which was more and more threatened. Indeed, the media were concentrated in the hands of an increasingly restricted group of public and private owners for whom information was first and foremost an economic product and not a social and cultural one. That situation was an attack on independent journalism and limited the public's ability to be informed with the help of objective and experienced professionals.

47. Mr. RAHMAN (Bangladesh), speaking on agenda item 100 (e), said that his delegation had been opposed to the inclusion of that item in the agenda of the forty-ninth session of the General Assembly and believed also that the item should be dealt with by the Sixth Committee rather than the Third Committee.

48. The position of Bangladesh on the subject of the death penalty was as follows: firstly, it was for States to choose the punishment for crimes committed within their jurisdiction. Secondly, the rules established by societies to ensure law and order were conditioned by the history, traditions and religious beliefs of those societies and could not therefore evolve independently of them. Thirdly, the debate on capital punishment was a continuous process, even in those countries in which the death penalty had been abolished. The international community should therefore not delude itself: it was a problem to which there was no easy solution. Fourthly, beliefs, traditions and social practices were peculiar to each State and each society and should not therefore become subject to value judgements. Fifthly, and lastly, the second Protocol to the International Covenant on Civil and Political Rights was supposedly optional, which meant that States had the flexibility to decide whether or not to accede to it. What purpose would it serve then to resuscitate the debate on that issue? The authors of the explanatory memorandum contained in document A/49/234 stated that "This initiative reflects the sentiments of the overwhelming majority of our peoples, who are firmly opposed to the imposition of the death penalty anywhere in the world". That statement invited the

following comment: that the countries of the authors of the above-mentioned explanatory memorandum should be in favour of the abolition of capital punishment was a matter for them. They should not, however, criticize those countries which chose to retain that punishment, since that could be construed as passing judgement and suggesting that they themselves were more humane or more just than others.

49. In the final analysis, Bangladesh placed as much value on the sanctity of life as any other State: capital punishment was invoked in that country only under exceptional circumstances, following procedures which offered every guarantee of justice. Those sentenced to death could appeal their sentences and ask for clemency. The retention of the death penalty generally took into account legitimate concerns. He hoped that those countries which had requested the inclusion of item 100 (e) in the agenda of the forty-ninth session of the General Assembly would take into account the sensitivities of all States and would recognize the need for close consultations in following up the matter.

50. Mr. NDABA (South Africa) said that his country, which had suffered greatly as a result of human rights abuses, had made the protection and advancement of human rights the cornerstone of its domestic policy. Racial discrimination was outlawed in South Africa. The Interim Constitution of South Africa, which had come into force after the April elections, was based on the internationally recognized principles of democracy and human rights. Those principles were entrenched in a Charter of Fundamental Rights, chapter III of which recognized, inter alia, the equality of all citizens before the law, the right to life and human dignity, the freedom and security of persons, freedom of expression, assembly and movement, and, of course, non-discrimination on any grounds whatsoever. South Africa, which was proud of those achievements, was determined to entrench in its society respect for a genuine culture of human rights. Already, a Constitutional Court had been created to guarantee the enforcement of the Constitution. Other institutions would be put in place. For example, the Constitution provided for a Public Protector whose role would be equivalent to that of an ombudsman, a human rights commission, a commission on gender equality and a commission on the restitution of land rights. At the same time, the South African Government had begun to implement an ambitious five-year reconstruction and development programme which was closely linked to human rights in so far as it concerned nation-building and democratization. Finally, under the current Constitution, the rules of international law were enforceable in South Africa. On 3 October 1994, the President of South Africa, Mr. Nelson Mandela, had signed in New York the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination; the three instruments were expected to be ratified within the following six months. Working groups had also been created to consider ways of expediting that procedure and to investigate the implications of ratification.

51. In order to inculcate a culture of democracy in the population, non-governmental organizations such as the Human Rights Institute of South Africa, which had been established in June 1993 by the Goldstone Commission, and the law faculties of various universities organized courses, lectures and

training workshops on the protection of human rights at all levels. While such courses were open to all, they were intended more particularly for personnel from the justice and police departments. In that connection, South Africa would welcome United Nations advisory and technical assistance. The South African Government indeed looked forward to the establishment of meaningful working relations with the United Nations in New York and the Centre for Human Rights at Geneva.

AGENDA ITEM 99: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued)

Introduction of draft resolution A/C.3/49/L.19

52. Mr. LAMPTEY (Ghana), introducing draft resolution L.19 on behalf of States Members of the United Nations that were members of the Group of African States, recalled that, despite the economic difficulties which most of them faced, African States continued to welcome on their soil a considerable number of refugees and displaced persons whose departure was due to natural disasters o to conflicts. In the draft resolution, the General Assembly expressed its appreciation to, among others, the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and to the many organizations which were helping to mitigate the plight of those refugees and appealed for continued financial assistance for refugee programmes.

53. A change had been made in the antepenultimate preambular paragraph, which began with the words "Convinced that, because of the serious, etc.". In the second line of that paragraph, the words "devastating and" should be deleted. Lastly, in the third line, the words "of hosting" should be replaced by the words "of having hosted ...".

54. Given the urgency of the matter, he hoped that draft resolution L.19 would be adopted by consensus.

The meeting rose at 12.15 p.m.